

Water Resources Program
Statement of Intent for Pending Application
for a Water Right Permit

*To determine interest and/or option of pursuing an existing new water right
Application in the Yakima Basin (WRIAs 37, 38 and 39)*

Questions about this form should be directed to the Department of Ecology
Central Regional Office (509) 575-2490

1. Application Number:

WATER RIGHT APPLICATION NO. (i.e. 1234, G4-01234, etc.)

S4-31327

2. Applicant Information:

APPLICANT/BUSINESS NAME DEAN ALVE, SR.	PHONE NO. 509-965-4407	PHONE NO.
MAILING ADDRESS P.O. Box 8329		
CITY YAKIMA	STATE WA	ZIP CODE 98908
E-MAIL ADDRESS DINAVI@ACN.NET		

3. Intent: Check the Appropriate Box: Choose ONLY one box.

A. **Mitigate** - Providing a mitigation plan may allow Ecology to approve your application.

☐

a. MITIGATE with PLAN: I/we request that Ecology amend this application to include the attached mitigation plan and process the application at this time. I/we believe my mitigation plan offsets the adverse impacts to the state's water resources that would be caused by the new consumptive use identified in this application. I believe the proposed mitigation plan protects existing water rights by offsetting adverse flow impacts to the Yakima River and/or a more nearby tributary creek.

☐

b. ON-HOLD: I/we request that Ecology place this application On-Hold, while I/we pursue mitigation. A mitigation plan can be submitted at any time in the future to accompany this application. The application priority date will remain the same as a result of choosing this option.

(Continued on reverse side →)

B. **Process** - Please process my application.

☐ **a. PROCESS – NON-CONSUMPTIVE:** I/we request that Ecology process the application at this time. I/we believe the proposed project qualifies as a non-consumptive use. A non-consumptive water use does not diminish the source or impair existing water rights.

☐ **b. PROCESS – CONSUMPTIVE, WITHOUT MITIGATION:** I/we request that Ecology process this application in its current state. I/we hereby request that the application be evaluated for approval or denial, which is an appealable action.

C. **Assign** - I/we no longer own the place where water was intended to be used under the permit application.

☐ **ASSIGN:** I/we request to assign my/our interest in the permit application to another person. This requires filing of an application assignment form and fee (RCW 90.03.310). To download the assignment form go here:
<http://www.ecy.wa.gov/biblio/ecy040161.html>

If you choose to assign, please also check the appropriate box below.

- ☐ Process the attached assignment form.
☐ Mail me an assignment form.

D. **Withdraw** - Please withdraw my application.

☒ **WITHDRAW:** I am/we are no longer interested in pursuing the above application to appropriate public waters of the state. I/we understand that this withdrawal is voluntary and that this application will be removed from the list of pending applications.

4. Signatures: Attach additional signatures, if applicable.

I certify that I am the holder or authorized representative of the above water right application.

DEAN ALVE
Print Name
(Applicant or authorized representative)

[Signature]
Signature

8/16/13
Date

Print Name
(Applicant or authorized representative)

Signature

Date

**A Business Reply Envelope is
enclosed. Submit the form to:**

Department of Ecology
CRO - WR
PO Box 47600
Olympia WA 98599-7600

- advertisement -


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First Name: MI: Last Name: City: State: Age: Date of Birth:

Dean Auve in Ellensburg, WA (1 Result) [Send a copy of this report to your email](#)

Person	Known Addresses	Phone Numbers	Email
<div>1. Dean Auve SR (Age 78) Birth Date: 09/13/1934 Associated Names: Dean P Auve SR Dean P Auve D Auve Dean Auve Background Report</div>	<div>ADDRESS 1: 8329 Po Box Yakima, WA 98908 ADDRESS 2: 1037 Po Box Ellensburg, WA 98926 ADDRESS 3: 1223 Po Box Ellensburg, WA 98926 ADDRESS 4: 9546 Po Box Yakima, WA 98909 ADDRESS 5: 409 W 13th Ave Unit 2 Ellensburg, WA 98926 ADDRESS 6: 526 Po Box Ellensburg, WA 98926 ADDRESS 7: 19000 Reecer Creek Rd Ellensburg, WA 98926 ADDRESS 8: 201 S 81st Ave Unit 3</div>	<div>(509) 965-4407 (509) 925-4881</div>	

Sound Politics Washington State Voter Database

Advertisement

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County	Last Name	First / Middle Name	M/F	Number	Street	City	Last Voted	Birthdate	Registered	PAV	Status	Cong.	Leg.	Prec.
KI	AUVE	DEAN P	M	1374e	40TH AVE NE	SEATTLE	2011-NOV-08	1957-SEP-07	1992-SEP-03	P	A	7	46	2355
YA	AUVE	DEAN P	M	200 APT	S 81ST AVE	YAKIMA	2012-FEB-14	1934-SEP-13	2003-APR-16	N	A	4	14	182
SN	AUVE	DEAN PAUL	U	1900o	80TH AVE W	EDMONDS	2011-AUG-16	1983-OCT-05	2011-DEC-23	N	A	1	21	213247
SN	AUVE	DEAN PAUL	U	1900o	80TH AVE W	EDMONDS		1983-OCT-05	2011-DEC-23	N	CT	1	21	213247

Data is from [Secretary of State's Voter Registration Database](#) public release of Feb. 29, 2012

If this database is useful to you, [please make a contribution to help us cover our costs](#):




[Click to do another lookup](#)

What does the output show? The table shows the registered voters who match your query. This is all public information. Because of usage restrictions, unless you provided the exact address, we do not show the complete street address, but mask the last digit of the house number (with an 'e' for an even-numbered address, 'o' for an odd-numbered address). If you queried to find voters by address, the results are sorted in numerical order of street address. In order to show which voters live at the same address, we use alternating white and gray backgrounds. All residents of the same address will show up with the same color background.

Other fields in the table

County: two letter code for the county of registration

M/F: gender

Number: May include a suffix such as APT to indicate whether the registration record indicates an apartment. Click on the link to see all voters registered at that street address.

LastVoted: The date of the last election in which the voter is credited with voting (or blank if never credited).

Birthdate: The date of birth listed on the registration record.

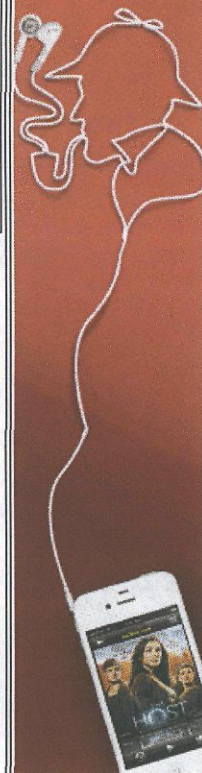
Registered: The year in which the voter first registered in their county.

PAV: Is the voter listed as Permanent Absentee? Different counties use different codes; Usually 'P' for permanent, 'N' for no; mail-only counties may show 'V' for all voters.

Status: 'A' for Active, 'I' for Inactive. If the status begins with a 'C', the registration has been cancelled.

Cong., Leg. and Prec.: Congressional, state legislative district and precinct, respectively

Disclaimers, bug reports and enhancement suggestions. This is a "reasonably best effort" project based on public data that is known to be imperfect. No warranties are made or implied. Use the data at your own risk. Enhancements will be considered as will bug reports. E-mail comments to





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

August 15, 2013

Dean Auve Sr
PO Box 8329
Yakima WA 98908

Re: Water Right Permit Application No. S4-31327

Dear Applicant:

The purpose of this letter is to inform you about options regarding your pending surface water right application No. S4-31327, filed with the Department of Ecology (Ecology) on 6/4/1992, located in the Yakima Basin, specifically Kittitas County. We appreciate your patience with the water right permitting process. As a result of water shortages and legal challenges, water supplies in the Yakima Basin have been at risk and under litigation for years, and Ecology has not been able to issue new water right permits during that time. A comprehensive study has been recently completed that now allows us to move forward in the processing of water rights applications in your area.

The Yakima River Basin Surface Water Adjudication¹ (Adjudication) is entering its 35th year and moving toward completion. The Adjudication and other applicable state and federal Court decisions have clearly determined that water supply in the Yakima River Basin is over appropriated. In other words, the courts have said that more surface water rights have been confirmed in the Adjudication than there is water legally available to appropriate. This condition is more severe during low water years, when the basic tenet of Western Water Law is relevant – first in time, first in right. Those with surface water rights in the Yakima Basin with priority dates after May 10, 1905, have frequently been limited or curtailed during low water years.² The purpose of curtailment is to protect access to water for senior water right holders.

In September 2011, the United States Geological Survey (USGS) released the final report on the Yakima Basin Groundwater Study.³ This 12-year study confirmed that groundwater and surface water are directly connected in the Yakima Basin.

¹ *State of Washington, Department of Ecology v. James J. Acquavella, et al., Yakima Superior Court Cause No. 77-2-01484-5.* <http://www.ecy.wa.gov/programs/wr/rights/adjhome.html>

² The following years represent low water years since the Adjudication began in 1977; 1977, 1992, 1993, 1994, 2001, and 2005. These years are good indicators as to the frequency of junior surface water right holders having limited water supply or being curtailed in the recent past.

³ "Numerical Simulation of Groundwater Flow for the Yakima River Basin Aquifer System, Washington," D.M. Ely, M.P. Bachmann and J.J. Vaccaro. USGS Scientific Investigations Report 2011-5155.

<http://pubs.usgs.gov/sir/2011/5155/>

FILE COPY



The study also demonstrates that pumping groundwater wells in Kittitas County reduces streamflow and would add to the existing water deficit in the Yakima Basin.

Therefore, Ecology anticipates that it will be unable to approve any pending applications for new surface water or groundwater rights in this county unless an applicant is able to mitigate for the expected impact of the new water use. This is because a formal permit decision would likely conclude that under state law: 1) water is not available for new appropriation, 2) a new appropriation would impair existing water rights, and 3) a new appropriation would not be in the public interest. (RCW 90.03.290)

The good news is the Yakima Basin Integrated Water Resources Management Plan⁴ (Integrated Plan) is working to fill the Basin's existing deficit and may even provide some additional water supplies in the basin for future uses. Unfortunately, the Integrated Plan is a long-term solution and is not the short-term answer.

Based on our review of your application, we have determined that your water right application is junior to the critical date of May 10, 1905, and will likely have an impact on surface water in the Yakima Basin unless mitigated. Therefore, we ask that you consider, and subsequently choose one of the following options regarding your pending water right application on the enclosed Statement of Intent form.

Application Processing Options

- A. **Mitigate⁵** - In the case of your application, providing a mitigation plan that protects existing water rights by offsetting the flow impacts to the Yakima River and/or nearby tributary creeks may allow Ecology to approve your application that otherwise would likely be denied because it does not meet the legal requirements of water availability, impairment, or public interest. A mitigation plan should describe the effects of your proposed water use and present a proposal to alleviate those effects.
- a. **Mitigate with Plan.** By selecting this option, you choose to include a mitigation plan to support processing your application. The mitigation plan must offset the adverse impacts to the state's water resources that would be caused by the new consumptive use identified in your application, and must protect existing water rights by offsetting adverse flow impacts to either the Yakima River and/or a more nearby tributary creek.
 - b. **On-hold.** By selecting this option, you choose to place your application On-Hold, while you pursue mitigation. A mitigation plan can be submitted at any time in the future to accompany your application. You will not lose the priority date of your application as a result of selecting this option.

⁴ The Integrated Plan identifies a comprehensive approach to develop water resources and ecosystem restoration improvements to address a variety of problems affecting fish passage, fish habitat, and water supplies for agriculture, municipalities, and domestic uses. <http://www.ecy.wa.gov/programs/wr/cwp/YBIP.html>

⁵ "Mitigation" means measures that offset adverse effects on a water source to eliminate impairment to existing water rights and/or detriment to the public interest. See FAQ enclosure for more details.

- B. **Process** - You may request that your application continue to be processed to a formal decision without providing or seeking mitigation.
- a. **Process – Non-Consumptive.** By selecting this option, you request that your application be processed at this time because your project qualifies as a non-consumptive⁶ use. A non-consumptive water use does not diminish the water source or impair existing water rights.
 - b. **Process – Consumptive, Without Mitigation.** By selecting this option, you request that your application be processed in its current state, though an approval is unlikely. Groundwater and surface water are not available for further consumptive appropriation in the subbasin where your application is pending. Exercising this option requires Ecology to make a formal decision on your application that is appealable pursuant to RCW 43.21B.310.
- C. **Assign** – If you are no longer the current owner of the place where the permit application was intended to be used, selecting this option requests that your interest in the permit application be assigned to another person. This requires an assignment form and fee be filed with Ecology for the application (RCW 90.03.310). Assignment forms are available at <http://www.ecy.wa.gov/biblio/ecy040161.html>.
- D. **Withdraw** - If you are no longer interested in pursuing your application to appropriate public waters of the state, selecting this option will withdraw your application and remove it from the list of pending applications. Withdrawal is voluntary.

This letter and the enclosed Statement of Intent Form have been sent to determine the next steps regarding No. S4-31327. This letter is not an Administrative Order issued by Ecology pursuant to RCW 43.27A.190, nor is issuance of this letter an appealable action pursuant to RCW 43.21B.310.

Please reply within ninety (90) days of the date of this letter by choosing one option on the enclosed Statement of Intent Form and mailing it back to Ecology using the enclosed postage-paid envelope.

If you do not respond within ninety (90) days of the date of this letter or do not return the enclosed form, Ecology will process the application in its current state. An approval is unlikely; a formal decision is likely to result in a denial of the application based on groundwater and surface water not being available for further consumptive appropriation in the subbasin where your application is pending. A formal decision will result in an appealable action pursuant to RCW 43.21B.310.

⁶ Water Resources Program Policy 1020 – Consumptive and Nonconsumptive water use.
http://www.ecy.wa.gov/programs/wr/rules/pol_pro.html

If you have any questions or need additional assistance, we have several staff available to help.

Please contact:

Teresa Mitchell at teresa.mitchell@ecy.wa.gov or 509-575-2597 or
Sage Park at sage.park@ecy.wa.gov or 509-454-7647

Sincerely,



Mark Kemner, LHG
Section Manager
Water Resources Program

MK:gh
130807

Enclosure: *Statement of Intent Form for Pending Application for a Water Right Permit in the Yakima Basin (plus postage-paid envelope for returning the form)
Focus on mitigation in the Yakima Basin, publication no. 12-11-024*

By certified mail: 7007 2560 0001 9535 6497

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8/15/13

Dean Auve Sr
PO Box 8329
Yakima WA 98908
WR/gh S4-31327 KRO

PS Form 3800, August 2006 See Reverse for Instructions

2649 5E56 1000 0952 2002

7

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
Dean Auve Sr
PO Box 8329
Yakima WA 98908
WR/gh S4-31327 KRO

2. Article Number
7007 2560 0001 9535 6497

PS Form 3811, February 2004 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) *Dean Auve Sr* C. Date of Delivery *8-16-13*

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

DEPT OF ECOLOGY
Received
AUG 19 2013
CENTRAL REGION OFFICE

STA
AUG 16 2013

102595-02-M-1540



Water Resources Program
Statement of Intent for Pending Application
for a Water Right Permit

*To determine interest and/or option of pursuing an existing new water right
Application in the Yakima Basin (WRIAs 37, 38 and 39)*

**Questions about this form should be directed to the Department of Ecology
Central Regional Office (509) 575-2490**

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WATER RIGHT APPLICATION NO. (i.e. 1234, G4-01234, etc.)

S4-31327

2. Applicant Information:

APPLICANT/BUSINESS NAME	PHONE NO.	PHONE NO.
MAILING ADDRESS		
CITY	STATE	ZIP CODE
E-MAIL ADDRESS		

3. Intent: Check the Appropriate Box: Choose ONLY one box.

A. **Mitigate** - Providing a mitigation plan may allow Ecology to approve your application.

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a. MITIGATE with PLAN: I/we request that Ecology amend this application to include the attached mitigation plan and process the application at this time. I/we believe my mitigation plan offsets the adverse impacts to the state's water resources that would be caused by the new consumptive use identified in this application. I believe the proposed mitigation plan protects existing water rights by offsetting adverse flow impacts to the Yakima River and/or a more nearby tributary creek.

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FILE COPY

(Continued on reverse side →)

B. **Process** - Please process my application.

- ☐ **a. PROCESS – NON-CONSUMPTIVE:** I/we request that Ecology process the application at this time. I/we believe the proposed project qualifies as a non-consumptive use. A non-consumptive water use does not diminish the source or impair existing water rights.
- ☐ **b. PROCESS – CONSUMPTIVE, WITHOUT MITIGATION:** I/we request that Ecology process this application in its current state. I/we hereby request that the application be evaluated for approval or denial, which is an appealable action.

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<http://www.ecy.wa.gov/biblio/ecy040161.html>

If you choose to assign, please also check the appropriate box below.

- ☐ Process the attached assignment form.
☐ Mail me an assignment form.

D. **Withdraw** - Please withdraw my application.

- ☐ **WITHDRAW:** I am/we are no longer interested in pursuing the above application to appropriate public waters of the state. I/we understand that this withdrawal is voluntary and that this application will be removed from the list of pending applications.

4. **Signatures:** Attach additional signatures, if applicable.

I certify that I am the holder or authorized representative of the above water right application.

Print Name
(Applicant or authorized representative)

Signature

Date

Print Name
(Applicant or authorized representative)

Signature

Date

A Business Reply Envelope is enclosed. Submit the form to:

Department of Ecology
CRO - WR
PO Box 47600
Olympia WA 98599-7600

DATE: 07/28/93

CASHIERING RECEIPT
PAGE: 1 OF 1

RECEIVED FROM: DEAN PAUL AUVE

AMOUNT: \$100.00
DATE: 07/28/93
RECEIPT NO: 94-076422
CHECK/MO NO: 1236

PHONE: (206) 459-6207
P.O. BOX 5128
LACEY, WA 98503-5128

PURPOSE: WATER RIGHT SURCHARGE

PERMIT NO:
MANIFEST NO:
CASHIER:

GRAN461

(For low-level surcharge only.)

NAMES:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

FOR ACCOUNTING PURPOSES:
CJ NO: 461C0087

RECEIPT CODING:

INV/CAT CD	ID/APPL NO	TYPE	AMOUNT	FUND DISTRIBUTION
	S4-31327	WRF	\$100.00	001- -001- - - - - - - -CRO- - - -02-85-000011

Water Right Application
SURCHARGE STATEMENT

Surcharge payment must be postmarked by date shown below or your water right application will be rejected. *Details in attached letter.*

Applicant name: <i>Dean P. Aave'</i>	Amount due:	Pay by:
Application number:	Projected work schedule:	

Please detach and return with your remittance.

Payment due:

Application number: *54-37327*

Please mail to:

Department of Ecology
Water Right Application Surcharge
PO BOX 5128
LACEY WA 98503-0210

For agency use only: 001-02-85-11

Region: *CRD*
GAKIM

Please write your application number on your check or money order. Do not mail cash.
Make checks payable to the Department of Ecology.

JULY 28 1993
PAGE 1

CASHIERING

[illegible]



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

August 5, 1993

Dean P. Auve' Sr.
PO Box 1037
Ellensburg WA 98926-1037

RE: Surface Water Application No. S4-31327

Dear Mr. Auve':

With this letter, we acknowledge the receipt of payment of the \$100 surcharge for the referenced water right application on record with our office. As payment was received prior to the August 2, 1993 billing date, you will not receive the official billing notice.

The official billing notice was to include a schedule letting you know when we are expecting to begin work on your application or on applications in your area. Since you will not receive this information through a billing notice, I am sending this letter.

We have received an unprecedented number of applications during the last three years and now have a backlog of nearly 1900 applications awaiting permit decisions in the Central Region. At the same time, the number of staff dedicated to various aspects of water right permitting has been reduced due to funding cuts. In an effort to more efficiently utilize our remaining staff, we have elected to concentrate on targeted geographic areas where older water right applications are numerous, no legal issues need to be resolved, and/or data are available to make water right permitting decisions. When decisions have been completed for those applications out of protest period and in compliance with other legal mandates such as SEPA for that area, staff will be redirected to other target areas. It may be several years before staff will be able to revisit a previously completed target area. Taking these factors into consideration, we have developed a projected schedule for working pending water right applications in eight target geographical areas over the next two years. This schedule assumes that further reductions in staffing levels will not occur.

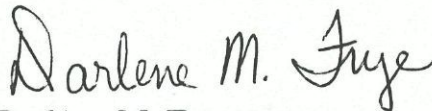
FILE COPY

Dean P. Auve' Sr.
Page 2
August 5, 1993

The waters of the Yakima River Basin are currently under adjudication. We are obligated to hold pending applications until the adjudication has been completed. Your application is, therefore, not scheduled for permit decision before that time. As completion of the adjudication approaches, we will include all pending applications, in order of priority by sub-basin of the Yakima River Basin, when scheduling target areas for future permit decisions.

If you have any questions regarding the status of your application, please feel free to contact me or Carol Mortensen at (509) 575-2800.

Sincerely,



Darlene M. Frye
Technical Unit Supervisor
Water Resources Program

DMF:gh
930824

LIFE COPY

CURT SMITCH
Director

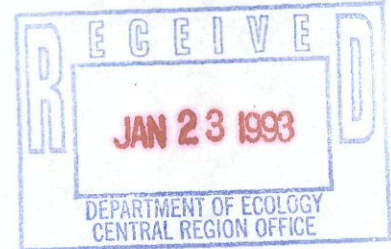


STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE

600 Capitol Way North • Olympia, Washington 98501-1091 • (206) 753-5700

Date 1/20/93

Department of Ecology
Water Resources Section
Central Region
106 South 6th Avenue
Yakima, Washington 98902-3387



Water Right Application # 5431327
Applied for by Anne, Dean P. Sr.
Water Reoser Creek / YAKIMA R.
WRIA # 39
Amount 1.89 cfs irr

The waters to be affected by this water right application:

- ☐ support anadromous fish
- ☒ support resident fish
- ☐ support no fish
- ☐ based on site-specific knowledge
- ☒ based on experience with this type of water

The Department of Wildlife has reviewed the above referenced water right application and submits the following recommendations:

- ☐ This is a second response after field investigation following a hold request.
- ☐ WDOE has adopted minimum flows and stream closures for this WRIA. Water rights should be subject to adopted minimum flows and closures as stated in WAC 173-5 _____.
- ☐ Deny:
- ☐ Deny: According to WDW policy (POL-3200 5. Diversion From Very Small Streams to be Discouraged), "Any diversion from very small streams (less than five feet wide between toes of banks) is detrimental to fish habitat at any flows except floods. The Department will discourage any diversion from very small streams which support fish."
- ☐ Deny: This water right, if granted, would adversely impact wetlands in violation of Executive Order 90-04.
- ☐ Minimum flow: All diversions shall cease when the flow of _____ as measured at _____ is less than _____ cfs during _____ and _____ cfs during _____.
- ☐ This is based on _____.
- ☐ This water right, if issued, should be subject to existing low flow on _____. If that existing low flow is not clearly defined as to point of measurement and specific number of cfs, then please notify us so that we may recommend specifics.

- _____ Single domestic water rights normally do not exceed 0.02 cfs. If this water right is issued, we request that it be limited to no more than 0.02 cfs.
- X _____ Please HOLD any applications in Yakima River Basin pending completion of Yakima adjudication and implementation of instream flows recommended by IFTAG.
- _____ Please HOLD pending investigation to determine minimum flow needed. We will be able to provide site-specific minimum flow recommendations by ____/____/____ after field investigations are completed.
- _____ Please HOLD pending completion of IFIM study which should be conducted by applicant following Instream Flow Study Guidelines available from Department of Wildlife.
- _____ Screening criteria: Maximum approach velocity 0.40 ft/sec, 1/8 inch mesh.
- _____ Hydraulic Project Approval required.
- _____ Spring is important wildlife habitat. We request that WDOE establish conditions to minimize impact to wildlife habitat. Please call us if we can assist.
- _____ No comments.
- _____ Other:

Thank you for the opportunity to review and comment.

Sincerely,

Const Iten

Constance Iten
Habitat Biologist

CI:mjf

JOSEPH R. BLUM
Director



STATE OF WASHINGTON
DEPARTMENT OF FISHERIES

115 General Administration Building, M.S. AX-11 • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600

August 13, 1992

Washington Department of Ecology
ATTENTION: Water Resources Program
3601 West Washington
Yakima, Washington 98903-1164

SUBJECT: Water Right Applications S4-31327, CHSWC2053, CHSWC46, CHSWC58, CHSWC60, CHSWC88, CHSWC108 and CHR4-26435C

Gentlemen:

The Washington Department of Fisheries (WDF) has reviewed the eight above-referenced water right applications and has the following comments.

S4-31327 Dean P. Auve' Sr.

We **object** to the issuance of this permit and feel the Department of Ecology should maintain its moratorium on issuing consumptive water rights in the Yakima Basin. This water right application is listed for surface waters from Reecer Creek which currently supports some juvenile rearing habitat and eventually returns to the Yakima River. As you are aware, flows and temperatures are at or near critical parameters for fish survival during the spring and early summer out-migration period. We maintain that all available undiverted water without existing water rights remain instream to maintain fish runs by providing sufficient flows and to moderate temperatures. An additional diversion of 6.7 acre feet of water represents a portion of numerous other proposed diversions which cumulatively results in the reduction of a significant amount of return flow to the Yakima River.

CHSWC2053 Wenas Irrigation District

We do not object to the additional storage proposed for Wenas Lake provided it is intended to maintain the minimum flow stipulation and stock water rights as ordered by Judge Stauffacher. We are opposed to any additional water rights for irrigation purposes other than those which currently exist. We support establishment of minimum instream flow requirements for this stream.

CHSWC46 Clifford B. and Liz Egge

We do not object to this change of diversion for this water right, provided no additional water is withdrawn. WDF encourages pressurized irrigation systems in place of surface diversions which are less efficient. If the pump will be placed in continuity with fish bearing surface waters, it must be screened pursuant to WDF screening criteria. Pump screens must not be larger than 1/8 inch mesh and approach velocities at the screen surface must not exceed 0.4 feet per second.

CHSWC58 James Poisel

We do not object to the issuance of a change of diversion for this water right because conveyance distance will be shortened which will result in less conveyance loss. A pressurized system would be preferred to a surface diversion to provide greater efficiency.

We oppose any additional water withdrawal in this sub-basin.

CHSWC60 David H. and Sarah Mabee

WDF does not object to the issuance of this change in point of withdrawal PROVIDED no additional water rights are granted. WDF supports pump withdrawals which result in more efficient use of water resources. Pumps placed in fish bearing waters must be screened pursuant to WDF criteria. Pump screens must not be larger than 1/8 inch mesh and approach velocities at the screen surface must not exceed 0.4 feet per second.

CHSWC88 James Poisel

WDF does not object to the issuance of this change in point of withdrawal PROVIDED no additional water rights are granted. WDF supports pump withdrawals which result in more efficient use of water resources. Pumps placed in fish bearing waters must be screened pursuant to WDF criteria. Pump screens must not be larger than 1/8 inch mesh and approach velocities at the screen surface must not exceed 0.4 feet per second.

CHSWC108 Clifford B. and Liz Egge

WDF does not object to the issuance of this change in point of withdrawal PROVIDED it no additional water rights are granted. WDF supports withdrawals which result in more efficient use of water resources. Pumps placed in fish bearing waters must be screened pursuant to WDF criteria. Pump screens must not be larger than 1/8 inch mesh and approach velocities at the screen surface must not exceed 0.4 feet per second.

CHR4-26435C Wenas Irrigation District

WDF does not object to the extension of the storage season to April 20th as authorized by Judge Stauffacher for the 1992 season. However, we maintain that if this extension becomes permanent, the additional stored water must be made available for equal consideration for fish resources, if the need exists, to the SOAC committee. It shall also be used to maintain minimum instream flows as necessary once they are established.

Please inform us of your decision regarding the above Water Right Applications. If you have any questions, please do not hesitate to contact Perry Harvester at (509) 575-2743.

Thank you for your cooperation in our efforts to preserve, protect, enhance and perpetuate the fish resources within the state of Washington.

Sincerely,



Gayle Kreitman
Regional Supervisor, Freshwater Permits
Habitat Management Division

GK:PH:nb

cc: Brent Renfro - WDW
Dale Bambrick - YIN
Walt Larrick - Bureau of Reclamation (Yakima)
Robert Tuck - YIN

Affidavit of Publication

JUL 28 1992

DEPARTMENT OF ECOLOGY
CENTRAL REGION OFFICE

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS TAKE NOTICE:

That Dean P. Auve' Sr. of Ellensburg, Washington on June 4, 1992 under Application No. S4-31327 filed for permit to appropriate waters, subject to existing rights, from Reecer Creek in the amount of 1.0189 cubic feet per second each year, for irrigation during irrigation season.

The source of the proposed appropriation is located within S½ SE¼ of Section 8, Township 19 N., Range 18E., W.M., in Kittitas County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from July 24, 1992

Washington State
Department of Ecology
Central Regional Office
3601 West Washington
Yakima, Washington 98903-1164
PUBLISH: July 17, 24, 1992

State of Washington, County of Kittitas, as:

John Ludtka

being first duly

sworn on oath, deposes and says: That he is the

Editor/Publisher

of the Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time we printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of

Water Application S4-31327

as is was published in regular issues (and not in supplement form) of said newspaper

once a week for a period of two consecutive weeks, commencing on the

17th day of July, 1992 and ending on the 24th day of

July, 1992, both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the forgoing publication is the sum of \$30.40, which amount has been paid in full, at the rate \$3.25 per column inch for the first insertion and \$3.15 per column inch for each subsequent insertion

Subscribed and sworn to before me this 27th day of July, 1992

Lois Day

Notary Public in and for that State of
Washington, Residing at Ellensburg,
Washington.
(SEAL)

OK 7/28/92
mjas

CHRISTINE GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

July 17, 1992

Dean Auve
P.O. Box 1037
Ellensburg, WA 98926

RE: Application No. S4-31327

Processing of your application cannot continue until you obtain a release of the desired quantity of water from the Regional Office of the United States Bureau of Reclamation. This special requirement is necessary since the USBR has been granted a blanket withdrawal of all of the remaining unappropriated waters of the Yakima River system by the Washington State Department of Ecology in conjunction with the Yakima River Enhancement Study.

In obtaining that withdrawal, the USBR stipulated that any application for water in excess of 0.05 cfs be held by WDOE until the applicant was granted a release by the Bureau. The intent is to allow consideration of the request as to its potential effect upon future water storage projects being considered by the Enhancement Study team.

All requests for a release from the USBR are to be addressed as follows:

United States Department of the Interior
Bureau of Reclamation
Regional Director
Box 043 West 550 Fort
Boise, ID 83724
Attn: Code 420

I am enclosing a copy of your application with this letter; the Bureau of Reclamation requires that you include it as information relative to your request. When you receive a release letter, please send us a copy, and we will resume processing of your water right application.

Sincerely,

Water Resources Program

Enclosure: Copy of Application

cc: United States Department of the Interior, Boise
United States Department of the Interior, Yakima

ap-2:Form
(10/90)

CHUCK CLARKE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

July 17, 1992

Dean P. Auve'
P.O. Box 1037
Ellensburg, WA 98926

RE: Application No. S4-31327

The source of your proposed appropriation falls within the Yakima River
Adjudication. The historical water rights for the
the Yakima River Adjudication are under adjudication by
the Superior Court. It will be an undetermined length of time before
the adjudication is completed.

Under these circumstances, the State is obliged to hold pending
applications in abeyance until the adjudication of the water rights is
completed. Therefore, your application has been accepted for priority
purposes only and further processing of the application must await the
outcome of the pending adjudication.

Sincerely,

Water Resources Program
Central Regional Office

Enclosure(s): Transmittal Letter
~~Public Notice~~
~~Receipt No.~~

ap-3:Form
(10/90)

CHUCK CLARKE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

July 14, 1992

Dean Auve'
P.O. Box 1037
Ellensburg, WA 98926

Re: Surface Water Application No. S4-31327

We have received your application for appropriation of water and it has been assigned the above number. Please refer to it by number in future correspondence.

Please complete the following two steps:

1. Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a newspaper published in Kittitas County. The newspaper should have general circulation in the locality where the water is to be diverted and used, and must be qualified as a legal newspaper. Publishing the notice in a remote part of the county, when not necessary, may be cause for you to be required to republish the notice in a designated newspaper.

Publication should start within 30 days from the date of this letter.

To assure accuracy, it is your responsibility to check the notice carefully before having it published. If an error is detected, please contact this office for correction and/or resolution. The actual date of the second printing must appear in both publications.

2. After publication, the publishing newspaper should provide you with a notarized original Affidavit of Publication which should be forwarded to our office as soon as possible.

Sincerely,

Water Resources Program
Central Regional Office

Enclosure(s): Receipt No. 183170
Public Notice
Newspaper List
General Information Letter

NOTE: PLEASE ADVISE OF ANY ADDRESS CHANGE

pn-3:Form
(09/91)

RECEIPT 183170

WASHINGTON STATE
DEPARTMENT OF ECOLOGY

RECEIVED FROM

DEAN P. AUJE' SR.

7/9

, 19

TEN NO/100

DOLLARS 10 NO/100

FUND:

General ☒ Rec.Rev. Basic Data Other Cash

Check ☒ 1241

SOURCE:

Water Code ☒ Publications Adjudications Refunds M.O.

Per. and Lic. Investments Registration Other

Application fee 54-31327

By

Faye McLaughlin

Thank You

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

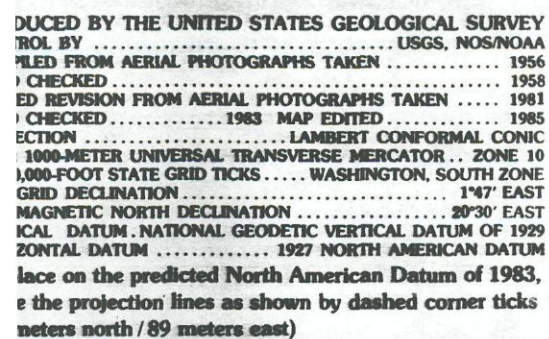
That DEAN P. AUVE' SR.
of ELLENSBURG, WASHINGTON on June 4, 1992 under
Application No. S4-31327 filed for permit to appropriate public waters, subject to existing rights,
from Reecer Creek
in the amount of 1.0 per telecom of 8/7/92 mgd
1.89 cubic feet per second
each year, for irrigation during irrigation season

The source of the proposed appropriation is located within S1/2 SE1/4
of Section 8, Township 19 N., Range 18 E. W.M., in Kittitas County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

Washington State Department of Ecology
Central Regional Office
3601 West Washington
Yakima, Washington 98903-1164



5431327

CONTOUR INTERVAL 40

CONTROL ELEVATIONS SHOWN TO THE NE
OTHER ELEVATIONS SHOWN TO THE NE
To convert meters to feet multiply by
To convert feet to meters multiply by

